IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Chakrabarti   )   Art Unit: 2176
)
Serial No.: 09/523,639   )   Examiner: Nguyen
)
Filed: March 10, 2000   )   AM9-98-128
)
For: METHOD AND SYSTEM FOR DISTRIBUTED)   October 14, 2005
      AUTONOMOUS MAINTENANCE OF)   750 B STREET, Suite 3120
      BIDIRECTIONAL HYPERLINK METADATA ON)   San Diego, CA 92101
      THE WEB AND SIMILAR HYPERMEDIA)
      REPOSITORY

APPEAL BRIEF

Commissioner of Patents and Trademarks

Dear Sir:

    This brief is submitted under 35 U.S.C. §134 and is in accordance with 37 C.F.R. Parts 1, 5, 10,

11, and 41, effective September 13, 2004 and published at 69 Fed. Reg. 155 (August 2004). This brief is

further to Appellant's Notice of Appeal filed herewith.

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(1)   Real Party in Interest

The real party in interest is IBM Corp.

(2)   Related Appeals/Interferences

No other appeals or interferences exist which relate to the present application or appeal.

(3)   Status of Claims

Claims 1-7, 9-13, and 15 are pending and finally rejected, which rejections are appealed, and claims

8, 14, and 16 are canceled.

(4)   Status of Amendments

No amendments are outstanding.

(5)   Concise Explanation of Subject Matter in Each Independent Claim, with Page and Figure Nos.

As an initial matter, it is noted that according to the Patent Office, the concise explanations under this

section are for Board convenience, and do not supersede what the claims actually state, 69 Fed. Reg. 155

(August 2004), see page 49976. Accordingly, nothing in this Section should be construed as an estoppel that

limits the actual claim language.

Claim 1 sets forth a computer system (reference numeral 10, figure 1, page 7, line 4) that includes

a user computer (12, id.). A data input device (24, figure 1, page 8, line 3) is associated with the user

computer. A Web server (32, figure 1, page 8, line 10) communicates with the user computer, with the Web

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server generating a table of inlinks to Web pages that are associated with the Web server (block 44, figure

2, page 9, lines 1-3). The inlinks include information that is related to a source page and information that

is related to a target page linked to from the source page, figure 2, page 9, lines 5-15. The user computer

accesses the table of inlinks to facilitate generating a list of sibling links based on the table, with each sibling

link being an outlink of one of the inlinks in the table, for accessing the sibling links, figures 4-6, page 11,

lines 3-17.

Claim 7 recites a computer-implemented method for accumulating information on the World Wide

Web that is relevant to topics. The method includes, at a Web server, generating a list of inlinks for at least

one Web page associated with the server, supra, and at a user computer, downloading the list of inlinks for

facilitating information retrieval using the list, supra. A list of sibling links is generated based on the list of

inlinks, with each sibling link being an outlink of one of the inlinks, for searching the sibling links, supra.

Claim 13 sets forth a computer program device that has a computer program storage device readable

by a user computer and program means on the program storage device and including instructions executable

by the user computer for performing method steps for searching the World Wide Web, see, e.g., elements

18 and 20, figure 2, page 7, lines 15-17. The method steps include downloading a Web page from a Web

server and requesting an inlinks or backlinks list associated with the Web page, supra. In response to the

requesting step, the list of inlinks or backlinks to the Web page is received from the Web server and is

automatically accessed to obtain sibling links to the Web page, supra.

Claim 15 recites a computer program device with instructions that include receiving hyperlink

requests for Web pages, with each hyperlink request being sent via an inlink, supra, and recording inlinks

along with one or more inlink criteria, supra. The instructions further include transmitting the inlinks to user

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computers requesting the inlinks, supra. The inlink criteria include one or more of: inlink request time, and

number of times each inlink is used to hyperlink a user computer to a Web page, block 44, figure 2, page

9, lines 10-15.

(6)   **Grounds of Rejection to be Reviewed on Appeal** .

       (a)   Claims 1-4, 7, 9, 10, 13, and 15 have been rejected under 35 U.S.C. §103 as being

unpatentable over Adar et al., USPN 6,493,702 in view of Jammes et al., USPN 6,484,149.

       (b)   Claims 5, 6, 11, and 12 have been rejected under 35 U.S.C. §103 as being

unpatentable over the above two references in view of Khan, USPN 6,546,393.

(7)   **Argument**

       As an initial matter, it is noted that according to the Patent Office, a new ground of rejection in an

examiner's answer should be "rare", and should be levied only in response to such things as newly presented

arguments by Applicant or to address a claim that the examiner previously failed to address, 69 Fed. Reg.

155 (August 2004), see, e.g., pages 49963 and 49980. Furthermore, a new ground of rejection must be

approved by the Technology Center Director or designee and in any case must come accompanied with the

initials of the conferees of the appeal conference, id., page 49979.

(a)   Web page bookmarks have been relied on in Adar et al. as the claimed inlinks. However, being

bookmarks pointing only to target pages, they do not also contain information on the source pages as now

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recited in Claim 1, nor is there any reason in Adar et al. to include such information in its bookmarks, which

are just that.

The rejection alleges that (a) col. 6, lines 9-19; (b) col. 9, line 60 through col. 10, line 7; and (c)

figure 2 (relying on elements 212 and 220) teach that Adar's bookmarks contain information on both target

and source pages. That is wrong. The relied-upon section of column 6 explicitly teaches that the bookmarks

contain a link to a target page, not that they also contain information on a source page. The relied-upon

sections of cols. 9 and 10 mention only that bookmarks can be shared. Nothing is ever stated about any

source page information being contained in the bookmarks.

The reference to elements 212 and 220 is even worse, because it employs legerdemain bordering on

the unethical. Specifically, the rejection calls what is actually a list 212 of bookmarks a "bookmark" *per se*

In order to allege that since the real bookmarks 220 contained in the list 212 point to target pages, and the

"bookmark 212" points to the real bookmarks 220, then the "bookmark 212" is therefore a "source

page"....of sorts.

Where to begin?

1. A list of bookmarks is not a bookmark.

2. Likewise, a list of bookmarks is not a source page. No evidence has been adduced of record that

the skilled artisan would construe a list of things to be a web page, see MPEP §2111.01 (claims must

be interpreted as one skilled in the art would interpret them).

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3. Claim 1 requires a single element to contain two things, whereas the rejection, even strained to

the breaking point as it is, must nevertheless rely on two elements (the list 212 and the bookmarks

220 contained in the list).

Having demolished the rejection of Claim 1, for the sake of completeness Appellant will offer the

following additional comments. Turning to Claims 7 and 13, the rejection alleges that the hyperlinks which

are generated in Jammes et al. as a result of queries are "sibling" links, pointing to columns 45-47 of Jammes

et al. without further elucidation. But Claim 7 does not recite "sibling links" in a vacuum. Rather, Claim

7 recites that the list of sibling links is generated based on a list of inlinks, with each sibling link being an

outlink of one of the inlinks in the table. In Jammes et al., regardless of the propriety of equating its

hyperlinks with sibling links, what is dispositive is that none of the relied-upon links are generated based on

a list of other related links, but instead appear to be created from scratch in response to a query, see, e.g.,

col. 45, lines 49-55.

Second and as important, there is not the remotest shred of a prior art reason to combine Jammes et

al. with Adar et al. Adar et al. categorizes and ranks bookmarks from individual users that can be searched

by keyword, col. 8, essentially conflating an Internet search corpus to the bookmark database for focussed

searching. The bookmarked Web pages are thus the be-all and end-all in Adar et al. There is no reason to

look for outlinks to the bookmarked pages, because, per Adar et al., the bookmarks themselves, having been

designated by users, embody the user-centric preference base that can be used to "harness the power of the

online community", summary and col. 9, lines 20-25. In keeping with Adar et al.'s teachings and

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suggestions, adding in outlinks to the bookmarks would only muddy the waters. Apart from that, nothing in Adar et al. suggests exploring outlinks to its bookmarked Web pages.

Jammes et al. cannot be used to supply the missing suggestion to combine, because the relied-upon URLs of Jammes et al. are generated as a *result of* a query, the very opposite of the relied-upon bookmarks of Adar et al., which are gathered *before* searching to facilitate search. Accordingly, even if Jammes et al. were to be combined with Adar et al. as proposed, Claim 7 would not result, but rather an odd and redundant arrangement in which bookmarked Web pages of Adar et al. would be searched and then the URLs of the searched pages would be regenerated using principles of Jammes et al. In other words, the relied-upon inlinks of Adar et al. would be searched to produce the exact same inlinks using the templates of Jammes et al., but no sibling links would be derived.

This has been responded to with a puzzle. First, the proferred suggestion to combine is that "Jammes suggests that organizing web pages presented to each customer is customized according to (consumer) habits to make online shopping/searching more convenient, expedient, and pleasant." So what? How is that a suggestion to cram URLs gathered as part of a search into a bookmark corpus intended to be used as a search corpus to somehow, in some totally unmentioned way, come up with the admittedly missing element, the sibling links?

Second, it appears to be the examiner's belief, as stated on page 7, that merely because the references are "analogous arts", it means it is OK to combine them. That of course betrays a profound misunderstanding of the law of obviousness. If any two references "in analogous arts" could be combined for that reason alone, the requisite prior art suggestion to combine that is necessary to properly make a *prima facie* case of obviousness would be eviscerated. In other words, the record on its face admits to an incorrect
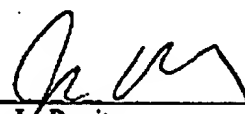
legal understanding of the basic requirement for making a *prima facie* case and hence on its face is an admission of non-compliance with the requisite legal standards, a fact that by itself militates toward reversal.

For one or more of the reason above, all independent claims are patentable.

(b)   The rejections using Khan likewise suffer from a deficient showing of a prior art suggestion to combine. Moreover, simply changing the number of bookmarks that are shown on a display is not the same thing as "pruning" them, much less is it the same thing a "pruning" something different, namely, what the claims recite. No evidence exists of record that varying the number of things on a list that is displayed, without ever changing the list itself, is the same thing as "pruning" entries from the list.

Respectfully submitted,

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APPENDIX A - APPEALED CLAIMS

1.   A computer system, comprising:
   at least one user computer;
   a data input device associated with the user computer;
   a Web server communicating with the user computer;
   server logic means at the Web server for generating a table of inlinks to at least one Web page associated with the Web server, at least one inlink including information related to a source page and information related to a target page linked to from the source page; and
      user logic means at the user computer for accessing the table of inlinks to facilitate generating a list of sibling links based on the table, each sibling link being an outlink of one of the inlinks in the table, for accessing the sibling links.

2.   The system of Claim 1, wherein the user logic means includes means for downloading the table from the Web server to the user computer, each inlink on the table being a hyperlink to a respective Web site, such that a person operating the user computer can select one of the inlinks to invoke the Web site associated with the selected inlink.

3.   The system of Claim 1, wherein the user logic means includes:
   means for downloading the table from the Web server to the user computer; and
   means for automatically accessing the inlinks to search the inlinks for predetermined information.

4.   The system of Claim 1, further comprising a data storage device for storing at least portions of the table.

5.   The system of Claim 4, further comprising means at the Web server for pruning inlinks in the table in response to at least one preselected criterium.

6.   The system of Claim 5, wherein the preselected criterium is based at least in part on a number of selections of each inlink.

7.   A computer-implemented method for accumulating information on the World Wide Web that is relevant to at least one topic, comprising the steps of:
   at a Web server, generating a list of inlinks for at least one Web page associated with the server; and
   at a user computer, downloading the list of inlinks for facilitating information retrieval using the list;
   generating a list of sibling links based on the list of inlinks, each sibling link being an outlink of one of the inlinks, for searching the sibling links.

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9.   The method of Claim 7, wherein a person operating the user computer can select one of the inlinks to invoke the Web site associated with the selected inlink.

10.   The method of Claim 7, further comprising:
automatically accessing the inlinks to search the inlinks for predetermined information.

11.   The method of Claim 7, further comprising pruning inlinks in the list in response to at least one preselected criterium.

12.   The method of Claim 11, wherein the preselected criterium is based at least in part on a number of selections of each inlink.

13.   A computer program device comprising:
a computer program storage device readable by a user computer; and
a program means on the program storage device and including instructions executable by the user computer for performing method steps for searching the World Wide Web, the method steps comprising:
downloading a Web page from a Web server;
requesting an inlinks or backlinks list associated with the Web page;
in response to the requesting step, receiving from the Web server the list of inlinks or backlinks to the Web page; and
automatically accessing the list to obtain sibling links to the Web page.

15.   A computer program device comprising:
a computer program storage device readable by a Web server; and
a program means on the program storage device and including instructions executable by the Web server for performing method steps for compiling information useful for searching the World Wide Web, the method steps comprising:
receiving hyperlink requests for Web pages, each hyperlink request being sent via an inlink;
recording at least some inlinks along with one or more inlink criteria; and
transmitting the inlinks to user computers requesting the inlinks, wherein the inlink criteria include one or more of: inlink request time, and number of times each inlink is used to hyperlink a user computer to a Web page.

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APPENDIX B - EVIDENCE

None (this sheet made necessary by 69 Fed. Reg. 155 (August 2004), page 49978.)

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APPENDIX C - RELATED PROCEEDINGS

None (this sheet made necessary by 69 Fed. Reg. 155 (August 2004), page 49978.)

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